

Q



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/979,548	03/22/2002	Claus DeVries	10191/2095	5008

26646 7590 11/04/2004

KENYON & KENYON
ONE BROADWAY
NEW YORK, NY 10004

EXAMINER

LE, LANA N

ART UNIT	PAPER NUMBER
----------	--------------

2685

DATE MAILED: 11/04/2004

8

Please find below and/or attached an Office communication concerning this application or proceeding.

Q

Office Action Summary

Application No.

09/979,548

Applicant(s)

DEVRIES, CLAUS

Examiner

Lana N Le

Art Unit

2685

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 March 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6,9 and 10 is/are rejected.
- 7) ☒ Claim(s) 7 and 8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Preliminary Amendment

1. The preliminary amendment filed 04/10/02 has been entered and made of record in the file and considered by the examiner.

Priority

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Specification

3. The cross reference to the continuation data of PCT/DE00/01088 filed 04/08/00 is missing.

Content of Specification

- (b) Cross-References to Related Applications: See 37 CFR 1.78 and MPEP § 201.11.

Claim Objections

4. Claim 6 is objected to because of the following informalities:
 - claim 6, line 1, after "method", "for" should be substituted for "of";
 - claim 6, line 2, before "corresponding", "a" should be added;
 - claim 6, line 7, before "memory", "external" should be added;

Art Unit: 2685

- claim 6, line 8, after "change the", "internal" should be added;
 - claim 6, line 9, before "memory", "external" should be added;
 - claim 6, line 10, after "loading the", "selected" should be added and after "on the", "external" should be added;
 - claim 6, line 11, after "the", "internal" should be added.
- . Appropriate correction is required.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 6 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wietzke et al (DE 19,632,197) in view of Isomursu et al (US 6,400,958).

Regarding claim 6, Wietzke et al disclose a method of customer-individualized adjustment of a car radio having a microprocessor control (6; page 6, lines 2-3; fig. 1 and hereafter) and corresponding internal operating software (memory 8; page 6, lines 4-5), the method comprising:

Art Unit: 2685

storing software modules an external memory device (software programs to be read that have already been stored in a smart card 1 downloaded from a PC (fig. 2); page 6, lines 10-12; fig. 1).

connecting the memory device (smart card 1) to an interface (card reading unit 9 with contact surface 10; page 6, lines 8-10, lines 12-14) in order to start operation of the car radio (operation of the car radio is started by after inserting the card into the card reader and reading out the program stored in the smart card 1 to prepare for loading up the programs to operate the car radio; page 6, lines 12-13), the interface being adapted to change the operating software (by contacting the card to the card reading unit 9, the program code for reprogramming the car radio that is stored in memory device 2 is set to change the operating software via the program code) and to read the memory device (via contact surface 10, the program code within memory device 2 can be read out; page 6, lines 12-14); and

loading the software modules stored on the memory device (2) (loading routine to load the software program code within memory device 2; page 6, lines 14-16) into the car radio (by calling up the loading routine in the memory 8 of the car radio) as an extension of the operating software (updating is done to update the car radio's original stored programs by reprogramming either partially or completely the programmable memory of the car radio 7 by microprocessor 6 after the program code from external memory device 2 is loaded into memory 8 of the car radio; page 6, lines 16-21).

Wietzke et al do not explicitly disclose:

making a selection from a plurality of software modules for different functions of the car radio, and storing the selected software modules.

However, the claimed limitation of making a selection from a plurality of software modules for different functions of the car radio, and storing the selected software modules is very well known in the art as is evidenced in Isomursu et al. In the same field of endeavor, i.e. using a subscriber identity module card for storing software modules and using the software module in a mobile radio terminal, Isomursu et al discloses making a selection from a plurality of software modules for different functions of a mobile radio terminal and initially storing the selected software modules on an external memory device (choosing application programs and application related data or any other data that a particular subscriber wants/prefers and initially storing the different application programs and application related data that an individual user/subscriber wants/prefers to a SIM card (subscriber identity module) to later update the new applications to a mobile radio terminal from SIM card; col 21, lines 13-28). It would have been obvious to one of ordinary skill in the art at the time the invention was made to adapt the selecting of the software applications of Isomursu et al to Wietzke et al prior to connecting to the memory device to the card interface in order to allow a particular subscriber's choice to only choose only those programs based on his/her preferences/profiles and initially storing them on the SIM card to save memory space without the inconvenience and trouble of having to later browse through non-preferred programs, and to have the benefit of not having to resave the preferred application programs within the radio terminal's phone again when the user utilize another radio

Art Unit: 2685

terminal by just having the SIM card with the programs the user wants already stored therein inserted into the radio terminal to start activating and updating the user's chosen new applications from the card into the terminal and to only execute those desired programs as suggested by Isomursu (col 21, lines 13-28).

Regarding claim 9, Wietzke et al and Isomursu disclose the method according to claim 6, wherein Wietzke et al disclose the external memory device includes one of a PCMCIA card, a money card, a chip card (smart card 1 commonly known as a microprocessor IC chip card), a money card, a key card, a personal computer, and a notebook.

7. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wietzke et al (DE 19,632,197) in view of Isomursu et al (US 6,400,958) and further in view of Goldstein et al (US 6,216,227).

Regarding claim 10, Wietzke et al and Isomursu et al disclose the method of claim 6 wherein Wietzke et al and Isomursu et al don't disclose the method further comprise making available the selection of the software modules over the Internet. In the same field of endeavor, i.e. using a smart card to store selected computer programs or modules. Goldstein et al disclose the method further comprise making available the selection of software modules over the Internet to a computer system and to initially install and store the selected software modules (applets) into a smart card (col 5, lines 47-50; col 6, lines 14-21).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to select the software modules via the Internet in the method of Wietzke et al and Isomursu et al in order to allow the user more of a variety of options to alternatively choose his/her preferred software programs from a web server to a computer system accessible by the user so that the service provider can install different software modules for different users based on the his/her desired programs.

Allowable Subject Matter

8. Claims 7-8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claim 7, Wietzke et al and Isomursu et al disclose the method of claim 6. Wietzke et al and Isomursu et al fail to further disclose the method further comprising, after making the selection, simulating a scope of functions of the car radio or a single one of the software modules.

Art Unit: 2685

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Isomursu et al (US 6,370,389), Communication Network Terminal Supporting a Plurality of Applications.

- Siegle et al (US 6,647,251), Radio Receiver in Particular a Vehicle Radio Receiver.

- Horvitz et al (US 6,161,130), Technique which Utilizes a Probabilistic Classifier to Detect "junk" E-mail by Automatically Updating a Training and Re-training the Classifier Based on the Updated Training Set.

- Groeger (US 6,377,160), Electronic Accessory for a Motor Vehicle, in Particular for a Car Radio, Comprising a Key Card.

- Kopp (US 5,940,805), Method of selling data records as well as vending apparatus, memory device, chip card, and system for selling telecommunications software.

- Hagen et al (US 6,424,722), Portable System for Programming Hearing Aids.

- Terranova (US 6,704,774), Content Preference System at Retail Outlet.

- Kreft (US 5,984,181), Process and Device for Dispensing Individual Chip Cards.

- Eshke (US 6,721,236), Radio Receiver Having a Hard Disk Drive.

Art Unit: 2685

- Hoffmann (US 6,311,241), Method and Configuration for Transferring Programs.

- Kovanen (US 5,448,765), Radio Telephone Having Removable Memory Containing all Essential Software, including Control Parameters .

- Simpson (US 5,404,580), Radio Having Memory Means for Storing Radio User Validation Code.

- Hiroaki (JP 10-255192), Vehicle Sharing and Vehicle Management Method for Using of Vehicle by Organization.

- Zanco (US 5,630,159), Method And Apparatus For Personal Attribute Selection Having Delay Management Method And Apparatus For Preference Establishment When Preferences In A Donor Device Are Unavailable.

- Sato (US 5,384,834), Telephone Apparatus Using A Detachable Memory Device.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lana N Le whose telephone number is (703) 308-5836. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward F Urban can be reached on (703) 305-4385. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

• Art Unit: 2685

)
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Lana Le', with a stylized flourish at the end.

Lana Le

October 30, 2004